

AMENDED IN SENATE JUNE 17, 2014

AMENDED IN ASSEMBLY APRIL 22, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1739

Introduced by Assembly Member Dickinson

(Principal coauthor: Senator Pavley)

(Coauthor: Assembly Member Rendon)

February 14, 2014

An act to amend ~~Section 65302.2 of, and to add Section 56878 to, the Government Code, and to amend Section 10795.4 of, Sections 65352 and 65352.5 of, and to add Section 65302.12 to, the Government Code, and to add Section 1242.1 to, and to add Part 2.74 (commencing with Section 10720) to Division 6 of, the Water Code, relating to groundwater.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1739, as amended, Dickinson. ~~Groundwater basin management: sustainability. Groundwater management.~~

(1) Existing law authorizes local agencies, as defined, to adopt and implement a groundwater management plan. Existing law requires a groundwater management plan to contain specified components and requires a local agency seeking state funds administered by the Department of Water Resources for groundwater projects or groundwater quality projects to do certain things, including, but not limited to, preparing and implementing a groundwater management plan that includes basin management objectives for the groundwater basin.

This bill would require all groundwater basins designated as high- or medium-priority basins by the Department of Water Resources to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans, with specified exceptions. This bill would require a groundwater sustainability agency to certify that its plan complies with the requirements of this bill no later than January 31, 2020, and every 5 years thereafter. This bill would encourage basins designated as low-priority basins by the department to be managed under groundwater sustainability plans as soon as possible. This bill, to the extent practicable, would require a groundwater sustainability plan to be coterminous and augment a groundwater management plan.

This bill would provide specific authority to a groundwater sustainability agency including, but not limited to, the ability to require the registration of a groundwater extraction facility, to require that a groundwater extraction facility be measured with a water-measuring device, to regulate groundwater pumping, and to impose certain charges. This bill, after January 31, 2020, would prohibit a person from increasing groundwater extractions on a property within the basin, as specified, until a groundwater sustainability agency or the State Water Resources Control Board complies with the above-described requirements, unless the person submits to the county a specified report. This bill would authorize a groundwater sustainability agency to conduct inspections and would require the inspection to be made with any necessary consent or with an inspection warrant. Because the willful refusal of an inspection lawfully authorized by an inspection warrant is a misdemeanor, this bill would impose a state-mandated local program by expanding the application of a crime.

This bill would authorize the department to provide technical assistance to a groundwater sustainability agency upon the request of the agency and would require, by January 1, 2017, the department to submit to the Legislature and publish on its Internet Web site best management practices for the sustainable management of groundwater.

This bill would state the intent of the Legislature to amend this measure to provide that one or more state agencies act to ensure that all basins in California are on track to achieve the sustainability goal if local agencies are unable to adopt or implement groundwater sustainability plans that achieve that goal. This bill would state the intent of the Legislature to amend this measure to provide for expedited adjudications of rights to extract and store water from and in basins by enacting and directing the Judicial Council to develop innovative

judicial procedures to manage those adjudications as quickly as reasonably feasible. This bill would state the intent of the Legislature to amend this measure to provide that the State Water Resources Control Board and the regional water quality control boards must weigh the value of surface water for groundwater replenishment and recharge to promote the state's interest in groundwater sustainability.

(2) The California Constitution requires the reasonable and beneficial use of water.

This bill would state the policy of the state to encourage conjunctive use of surface and groundwater.

(3) Existing law requires the legislative body of each county and city to adopt a comprehensive, long-term general plan for the physical development of the county or city with specified elements, including, among others, land use and conservation elements. Existing law requires a city or county, upon the adoption or revision of its general plan, on or after January 1, 1996, to utilize as a source document any urban water management plan submitted to the city or county by a water agency.

This bill would require, prior to the adoption or any substantial amendment of a general plan, the planning agency to review, and if necessary revise the land use, conservation, open space, or any other element of the general plan to address a groundwater sustainability plan, groundwater management plan, groundwater management court order, judgment, or decree, adjudication of water rights, or a certain order of the State Water Resources Control Board. This bill would require the planning agency to refer a proposed action to adopt or substantially amend a general plan to any local agency or joint powers authority that has adopted a groundwater sustainability plan or that otherwise manages groundwater and to the State Water Resources Control Board if it has adopted a groundwater sustainability plan that includes territory within the planning area.

Existing law requires a public water system to provide a planning agency with certain information upon receiving notification of a city's or a county's proposed action to adopt or substantially amend a general plan.

This bill would also require a public water system to provide a report on the anticipated effect of the proposed action on implementation of a groundwater sustainability plan. This bill would require a groundwater sustainability agency to provide the planning agency with certain information as is appropriate and relevant.

By imposing new duties on a city or county, this bill would impose a state-mandated local program.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

(5) Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

~~(1) Existing law authorizes local agencies, as defined, to adopt and implement a groundwater management plan. Existing law requires a groundwater management plan to contain specified components and requires a local agency seeking state funds administered by the Department of Water Resources for groundwater projects or groundwater quality projects to do certain things, including, but not limited to, prepare and implement a groundwater management plan that includes basin management objectives for the groundwater basin.~~

~~This bill would require a sustainable groundwater management plan to be adopted, except as provided, for each high or medium priority groundwater basin by any groundwater management agency, defined as a special district authorized to provide water for beneficial uses or with specific authority to conduct groundwater management, a city, a county, a city and county, or certain joint powers authorities. This bill would require a sustainable groundwater management plan to meet certain requirements, including, but not limited to, that the plan contain sustainable groundwater management objectives to achieve sustainable groundwater management in the groundwater basin within 20 years of the implementation of the plan but would allow the department to grant an extension beyond 20 years to 30 years based on groundwater basin circumstances, and that the plan contain the components required of a groundwater management plan seeking the above-described state funds.~~

This bill would require a sustainable groundwater management plan to be submitted by the groundwater management agency to the department for technical review.

~~This bill, as of an unspecified date or as of a date adopted by the groundwater management agency, whichever is earlier, would prohibit the extraction of groundwater within a groundwater basin for new commercial, multifamily residential, or industrial development, except for the use of a single-family domestic well, unless the groundwater basin has a sustainable groundwater management plan. This bill would authorize a groundwater management agency to establish, assume, or cooperatively manage well permitting programs to provide essential management information to implement a sustainable groundwater management plan and basin management objectives, and to regulate the pumping of groundwater. This bill would require the process for developing or revising a sustainable groundwater management plan, or revising a groundwater management plan to meet sustainable groundwater management plan requirements, to meet specified requirements for public notification, hearing, and protest.~~

~~(2) Existing law provides that moneys in the Local Groundwater Assistance Fund, upon appropriation by the Legislature, are authorized to be used by the Department of Water Resources to assist local public agencies to conduct groundwater studies, to carry out groundwater monitoring and management activities, and to assist in the development of groundwater management plans.~~

~~This bill would authorize the department to use moneys in the fund, upon appropriation, to conduct groundwater studies or to carry out groundwater monitoring and management activities described in paragraph (1).~~

~~(3) Existing law, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, sets forth the powers and duties of a local agency formation commission and governs the procedures for the formation, change of organization, and reorganization of cities and special districts.~~

~~This bill would authorize the local agency formation commission to provide special technical assistance and an expedited timeline to facilitate the formation of a local and regional groundwater management agency if there is no local and regional groundwater management agency existing in a defined groundwater basin.~~

~~(4) Existing law requires the legislative body of each county and city to adopt a comprehensive, long-term general plan for the physical~~

development of the county or city with specified elements, including, among others, land use and conservation elements. Existing law requires a city or county, upon the adoption or revision of its general plan, on or after January 1, 1996, to utilize as a source document any urban water management plan submitted to the city or county by a water agency.

~~This bill would require a city or county, upon the adoption or revision of its general plan, to reference as a source document any sustainable groundwater management plan or groundwater management plan for a groundwater basin or subbasin within the jurisdiction of the city or county. By imposing a new requirement on a city or county, this bill would impose a state-mandated local program.~~

~~(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 65302.12 is added to the Government
- 2 Code, to read:
- 3 65302.12. Prior to the adoption or any substantial amendment
- 4 of a city or county's general plan, the planning agency shall
- 5 review, and if necessary, revise the land use, conservation, open
- 6 space, or any other element of the general plan to address any of
- 7 the following:
- 8 (a) An adoption of, or update to, a groundwater sustainability
- 9 plan or groundwater management plan pursuant to Part 2.74
- 10 (commencing with Section 10720) or Part 2.75 (commencing with
- 11 Section 10750) of Division 6 of the Water Code or groundwater
- 12 management court order, judgment, or decree.
- 13 (b) An adjudication of water rights such as an adjudication
- 14 pursuant to Chapter 10 (commencing with Section 10742) of Part
- 15 2.74 of Division 6 of the Water Code.

1 (c) An order by the State Water Resources Control Board
2 pursuant to Chapter 9 (commencing with Section 10738) of Part
3 2.74 of Division 6 of the Water Code.

4 SEC. 2. Section 65352 of the Government Code is amended to
5 read:

6 65352. (a) Prior to action by a legislative body to adopt or
7 substantially amend a general plan, the planning agency shall refer
8 the proposed action to all of the following entities:

9 (1) A city or county, within or abutting the area covered by the
10 proposal, and any special district that may be significantly affected
11 by the proposed action, as determined by the planning agency.

12 (2) An elementary, high school, or unified school district within
13 the area covered by the proposed action.

14 (3) The local agency formation commission.

15 (4) An areawide planning agency whose operations may be
16 significantly affected by the proposed action, as determined by the
17 planning agency.

18 (5) A federal agency if its operations or lands within its
19 jurisdiction may be significantly affected by the proposed action,
20 as determined by the planning agency.

21 (6) (A) The branches of the United States Armed Forces that
22 have provided the Office of Planning and Research with a
23 California mailing address pursuant to subdivision (d) of Section
24 65944 when the proposed action is within 1,000 feet of a military
25 installation, or lies within special use airspace, or beneath a
26 low-level flight path, as defined in Section 21098 of the Public
27 Resources Code, provided that the United States Department of
28 Defense provides electronic maps of low-level flight paths, special
29 use airspace, and military installations at a scale and in an
30 electronic format that is acceptable to the Office of Planning and
31 Research.

32 (B) Within 30 days of a determination by the Office of Planning
33 and Research that the information provided by the Department of
34 Defense is sufficient and in an acceptable scale and format, the
35 office shall notify cities, counties, and cities and counties of the
36 availability of the information on the Internet. Cities, counties, and
37 cities and counties shall comply with subparagraph (A) within 30
38 days of receiving this notice from the office.

39 (7) A public water system, as defined in Section 116275 of the
40 Health and Safety Code, with 3,000 or more service connections,

1 that serves water to customers within the area covered by the
2 proposal. The public water system shall have at least 45 days to
3 comment on the proposed plan, in accordance with subdivision
4 (b), and to provide the planning agency with the information set
5 forth in Section 65352.5.

6 *(8) Any local agency or joint powers authority that has adopted*
7 *a groundwater sustainability plan pursuant to Part 2.74*
8 *(commencing with Section 10720) of Division 6 of the Water Code*
9 *or that otherwise manages groundwater pursuant to other*
10 *provisions of law or a court order, judgment, or decree within the*
11 *planning area of the proposed general plan.*

12 *(9) The State Water Resources Control Board if it has adopted*
13 *a groundwater sustainability plan pursuant to Part 2.74*
14 *(commencing with Section 10720) of Division 6 of the Water Code*
15 *that includes territory within the planning area of the proposed*
16 *general plan.*

17 ~~(8)~~

18 *(10) The Bay Area Air Quality Management District for a*
19 *proposed action within the boundaries of the district.*

20 ~~(9)~~

21 *(11) On and after March 1, 2005, a California Native American*
22 *tribe, that is on the contact list maintained by the Native American*
23 *Heritage Commission, with traditional lands located within the*
24 *city or county's jurisdiction.*

25 ~~(10)~~

26 *(12) The Central Valley Flood Protection Board for a proposed*
27 *action within the boundaries of the Sacramento and San Joaquin*
28 *Drainage District, as set forth in Section 8501 of the Water Code.*

29 (b) Each entity receiving a proposed general plan or amendment
30 of a general plan pursuant to this section shall have 45 days from
31 the date the referring agency mails it or delivers it in which to
32 comment unless a longer period is specified by the planning
33 agency.

34 (c) (1) This section is directory, not mandatory, and the failure
35 to refer a proposed action to the other entities specified in this
36 section does not affect the validity of the action, if adopted.

37 (2) To the extent that the requirements of this section conflict
38 with the requirements of Chapter 4.4 (commencing with Section
39 65919), the requirements of Chapter 4.4 shall prevail.

1 *SEC. 3. Section 65352.5 of the Government Code is amended*
2 *to read:*

3 65352.5. (a) The Legislature finds and declares that it is vital
4 that there be close coordination and consultation between
5 California's water supply *or management* agencies and California's
6 land use approval agencies to ensure that proper water supply *and*
7 *management* planning occurs in order to accommodate projects
8 that will result in increased demands on water supplies *or impact*
9 *water resource management.*

10 (b) It is, therefore, the intent of the Legislature to provide a
11 standardized process for determining the adequacy of existing and
12 planned future water supplies to meet existing and planned future
13 demands on these water supplies *and the impact of land use*
14 *decisions on the management of California's water supply*
15 *resources.*

16 (c) Upon receiving, pursuant to Section 65352, notification of
17 a city's or a county's proposed action to adopt or substantially
18 amend a general plan, a public water system, as defined in Section
19 116275 of the Health and Safety Code, with 3,000 or more service
20 connections, shall provide the planning agency with the following
21 information, as is appropriate and relevant:

22 (1) The current version of its urban water management plan,
23 adopted pursuant to Part 2.6 (commencing with Section 10610)
24 of Division 6 of the Water Code.

25 (2) The current version of its capital improvement program or
26 plan, as reported pursuant to Section 31144.73 of the Water Code.

27 (3) A description of the source or sources of the total water
28 supply currently available to the water supplier by water right or
29 contract, taking into account historical data concerning wet, normal,
30 and dry runoff years.

31 (4) A description of the quantity of surface water that was
32 purveyed by the water supplier in each of the previous five years.

33 (5) A description of the quantity of groundwater that was
34 purveyed by the water supplier in each of the previous five years.

35 (6) A description of all proposed additional sources of water
36 supplies for the water supplier, including the estimated dates by
37 which these additional sources should be available and the
38 quantities of additional water supplies that are being proposed.

1 (7) A description of the total number of customers currently
2 served by the water supplier, as identified by the following
3 categories and by the amount of water served to each category:

4 (A) Agricultural users.

5 (B) Commercial users.

6 (C) Industrial users.

7 (D) Residential users.

8 (8) Quantification of the expected reduction in total water
9 demand, identified by each customer category set forth in paragraph
10 (7), associated with future implementation of water use reduction
11 measures identified in the water supplier's urban water
12 management plan.

13 (9) Any additional information that is relevant to determining
14 the adequacy of existing and planned future water supplies to meet
15 existing and planned future demands on these water supplies.

16 *(10) A report on the anticipated effect of proposed action to*
17 *adopt or substantially amend a general plan on implementation*
18 *of a groundwater sustainability plan pursuant to Part 2.74*
19 *(commencing with Section 10720) of Division 6 of the Water Code.*

20 *(d) Upon receiving, pursuant to Section 65352, notification of*
21 *a city's or county's proposed action to adopt or substantially*
22 *amend a general plan, a groundwater sustainability agency, as*
23 *defined in Section 10720.5 of the Water Code, shall provide the*
24 *planning agency with the following information, as is appropriate*
25 *and relevant:*

26 *(1) The current version of its groundwater sustainability plan*
27 *adopted pursuant to Part 2.74 (commencing with Section 10720)*
28 *of Division 6 of the Water Code.*

29 *(2) If the groundwater sustainability agency manages*
30 *groundwater pursuant to a court order, judgment, decree, or*
31 *agreement among affected water rights holders, or if the State*
32 *Water Resources Control Board has adopted a groundwater*
33 *sustainability plan pursuant to Part 2.74 (commencing with Section*
34 *10720) of Division 6 of the Water Code, the groundwater*
35 *sustainability agency shall provide the planning agency with maps*
36 *of recharge basins and percolation ponds, extraction limitations,*
37 *and other relevant information, or the court order, judgment, or*
38 *decree.*

39 *(e) A groundwater sustainability agency that has given notice*
40 *of intention to adopt a groundwater sustainability plan, but has*

1 *not adopted a plan, shall provide a report to the planning agency*
2 *on the anticipated effect of proposed action to adopt or*
3 *substantially amend a general plan on adoption of the groundwater*
4 *sustainability plan and on the impacts of the proposed action on*
5 *sustainable management of groundwater.*

6 *SEC. 4. Section 1242.1 is added to the Water Code, to read:*

7 *1242.1. It is the policy of the state to encourage conjunctive*
8 *use of surface and groundwater. To that end, the Legislature*
9 *declares that the storage of water underneath the ground is a*
10 *beneficial use of water.*

11 *SEC. 5. Part 2.74 (commencing with Section 10720) is added*
12 *to Division 6 of the Water Code, to read:*

13
14 *PART 2.74. GROUNDWATER SUSTAINABILITY PLANNING*

15
16 *CHAPTER 1. TITLE AND POLICY*

17
18 *10720. This part shall be known, and may be cited, as the*
19 *“Sustainable Groundwater Management Act of 2014.”*

20 *10720.1. In enacting this part, it is the intent of the Legislature*
21 *that all of the following occur:*

22 *(a) The enhancement of local management of groundwater*
23 *consistent with rights to use or store groundwater and Section 2*
24 *of Article X of the California Constitution. It is the intent of the*
25 *Legislature to preserve and enhance the security of water rights*
26 *in the state to the greatest extent possible consistent with the*
27 *sustainable management of groundwater.*

28 *(b) The establishment of minimum standards for groundwater*
29 *management together with the requisite authority and funding.*

30 *(c) The avoidance or minimization of subsidence.*

31 *(d) The improvement of data collection and understanding about*
32 *groundwater.*

33 *(e) The increase in groundwater storage and removal of*
34 *impediments to recharge.*

35 *(f) The provision of state technical and financial assistance.*

36 *(g) The management of groundwater basins through the actions*
37 *of local governmental agencies to the greatest extent feasible,*
38 *while minimizing state intervention to only when necessary to*
39 *ensure that local agencies manage groundwater in a sustainable*
40 *manner.*

1 (h) *The intervention by the state when necessary to ensure that*
2 *local agencies manage groundwater in a sustainable manner.*

3
4 *CHAPTER 2. DEFINITIONS*

5
6 10720.5. *Unless the context otherwise requires, the following*
7 *definitions govern the construction of this part:*

8 (a) *“Adjudication action” means an action filed in the superior*
9 *court to determine the rights to extract groundwater from a basin*
10 *or store water within a basin, including, but not limited to, actions*
11 *to quiet title respecting rights to extract or store groundwater or*
12 *an action brought to impose a physical solution on a basin.*

13 (b) *“Agricultural water supplier” has the same meaning as*
14 *defined in Section 10608.12.*

15 (c) *“Basin” means a groundwater basin or subbasin identified*
16 *and defined in Bulletin 118 or as modified pursuant to Chapter*
17 *10 (commencing with Section 10742).*

18 (d) *“Bulletin 118” means the department’s report entitled*
19 *“California’s Groundwater: Bulletin 118” updated in 2003, as it*
20 *may be subsequently updated or revised in accordance with Section*
21 *12924 or Chapter 4 (commencing with Section 10723).*

22 (e) *“De minimus producer” means a person who extracts, for*
23 *domestic purposes, 2 acre feet or less per year.*

24 (f) *“Governing body” means the legislative body of a*
25 *groundwater sustainability agency.*

26 (g) *“Groundwater” means water beneath the natural surface*
27 *of the ground, in fully saturated pore spaces within the soil or*
28 *rock, excluding those waters that are flowing through natural*
29 *known and definite channels.*

30 (h) *“Groundwater extraction facility” means a pump or other*
31 *mechanism for extracting groundwater from within a basin.*

32 (i) *“Groundwater sustainability agency” means either a local*
33 *agency or a joint powers authority formed by local agencies that*
34 *implements the provisions of this part with respect to a*
35 *groundwater sustainability plan. For purposes of imposing fees*
36 *pursuant to Chapter 7 (commencing with Section 10732) or taking*
37 *action to enforce a groundwater management plan, “groundwater*
38 *management agency” also means each local agency comprising*
39 *the groundwater management agency if the plan authorizes*
40 *separate agency action.*

1 (j) “Groundwater sustainability plan” or “plan” means a plan
2 of a groundwater sustainability agency proposed or adopted
3 pursuant to this part.

4 (k) “Groundwater sustainability program” means a coordinated
5 and ongoing activity undertaken to benefit a basin, pursuant to a
6 groundwater sustainability plan.

7 (l) “Local agency” means a local public agency, including, but
8 not limited to, a city, county, irrigation district, county water
9 district, municipal water district, California water district, water
10 storage district, reclamation district, or other special district that
11 provides water or water management service within a groundwater
12 basin.

13 (m) “Monitoring entity” means an entity identified by the
14 department pursuant to Section 10930.

15 (n) “Operator” means a person operating a groundwater
16 extraction facility. The owner of a groundwater extraction facility
17 shall be conclusively presumed to be the operator unless a
18 satisfactory showing is made to the governing body of the
19 groundwater sustainability agency that the groundwater extraction
20 facility actually is operated by some other person.

21 (o) “Owner” means a person owning a groundwater extraction
22 facility or an interest in a groundwater extraction facility other
23 than a lien to secure the payment of a debt or other obligation.

24 (p) “Planning and implementation horizon” means a 50-year
25 time period over which a groundwater sustainability agency
26 determines that plans and measures will be implemented in a basin
27 to ensure that the basin is operated within its sustainable yield.

28 (q) “Public water system” has the same meaning as defined in
29 Section 116275 of the Health and Safety Code.

30 (r) “Recharge” means the process by which a basin is
31 replenished with water whether by natural or artificial means or
32 in-lieu.

33 (s) “Sustainability goal” means the existence and
34 implementation of one or more groundwater sustainability plans
35 that achieve sustainable groundwater management by identifying
36 and causing the implementation of measures targeted to ensure
37 that the applicable basin is operated within its sustainable yield.

38 (t) “Sustainable groundwater management” means the
39 management and use of groundwater in a manner that can be
40 maintained during the planning and implementation horizon

1 *without causing unreasonable adverse environmental, economic,*
2 *or social consequences through the development, implementation,*
3 *and updating of plans and programs based on the best available*
4 *science, monitoring, forecasting, and use of technological*
5 *resources, as determined by a groundwater sustainability agency.*

6 (u) “Sustainable yield” means the maximum quantity of water,
7 calculated over a base period representative of long-term
8 conditions in the basin and including any temporary surplus, that
9 can be withdrawn annually from a groundwater supply without
10 causing an undesirable result.

11 (v) “Undesirable result” means one or more of the following
12 effects occurring after January 1, 2015, and caused by
13 groundwater conditions occurring throughout the basin:

14 (1) Chronic lowering of groundwater levels indicating a
15 significant and unreasonable depletion of supply if continued over
16 the planning and implementation horizon, excluding lowering
17 groundwater levels caused by a drought.

18 (2) Significant and unreasonable reduction of groundwater
19 storage.

20 (3) Significant seawater intrusion.

21 (4) Significant and unreasonable degraded water quality,
22 including the migration of contaminant plumes that impair water
23 supplies.

24 (5) Significant land subsidence that substantially interferes with
25 surface land uses.

26 (6) Surface water depletions that have significant adverse
27 impacts on species listed under the federal Endangered Species
28 Act of 1973 (16 U.S.C. Sec. 1531 et seq.) or the California
29 Endangered Species Act (Chapter 1.5 (commencing with Section
30 2050) of Division 3 of the Fish and Game Code).

31 (w) “Water year” means the period from October 1 through
32 the following September 30, inclusive.

34 *CHAPTER 3. GENERAL PROVISIONS*

36 10721. Subject to Section 10736, by January 31, 2020, all
37 basins designated as high- or medium-priority basins by the
38 department pursuant to Section 10933 shall be managed under a
39 groundwater sustainability plan or coordinated groundwater
40 sustainability plans pursuant to this part. The Legislature

1 encourages basins designated as low priority basins by the
2 department pursuant to Section 10933 to be managed under
3 groundwater sustainability plans pursuant to this part as soon as
4 possible.

5 10721.5. Groundwater management pursuant to this part shall
6 be consistent with Section 2 of Article X of the California
7 Constitution. Nothing in this part modifies rights or priorities to
8 use or store groundwater consistent with Section 2 of Article X of
9 the California Constitution, except that in medium- and
10 high-priority basins, no extraction of groundwater between January
11 1, 2015, and December 31, 2020, or the date of adoption of a
12 groundwater sustainability plan pursuant to this part, whichever
13 is sooner, may be used as evidence of, or to establish or defend
14 against, any claim of prescription.

15 10722. (a) A groundwater sustainability agency that adopts
16 a groundwater sustainability plan may file an action to determine
17 the validity of the plan pursuant to Chapter 9 (commencing with
18 Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

19 (b) Subject to Sections 394 and 397 of the Code of Civil
20 Procedure, the venue for an action pursuant to this section shall
21 be the county in which the principal office of the groundwater
22 management agency is located.

23 (c) Any judicial action or proceeding to attack, review, set aside,
24 void, or annul the ordinance or resolution imposing a new, or
25 increasing an existing, fee imposed pursuant to Section 10732,
26 10732.5, or 10733 shall be brought pursuant to Section 66022 of
27 the Government Code.

28 (d) Any person may pay a fee imposed pursuant to Section
29 10732, 10732.5, or 10733 under protest and bring an action
30 against the governing body in the superior court to recover any
31 money that the governing body refuses to refund. Payments made
32 and actions brought under this section shall be made and brought
33 in the manner provided for the payment of taxes under protest and
34 actions for refund of that payment in Article 2 (commencing with
35 Section 5140) of Chapter 5 of Part 9 of Division 1 of the Revenue
36 and Taxation Code, as applicable.

37 (e) Any action by a landowner or other water right holder to
38 attach, review, set aside, void, or annul an extraction allocation
39 established by a groundwater sustainability plan shall be brought

1 *pursuant to the expedited adjudication procedures of Chapter 10*
2 *(commencing with Section 10742).*

3 *(f) Except as otherwise provided in this section, actions by a*
4 *groundwater sustainability agency are subject to judicial review*
5 *pursuant to Section 1085 of the Code of Civil Procedure.*

6 *10722.5. Except for Chapter 10 (commencing with Section*
7 *10742), this part does not apply to any of the following agencies*
8 *that are implementing basin-specific management plans:*

9 *(a) Desert Water Agency.*

10 *(b) Fox Canyon Groundwater Management Agency.*

11 *(c) Honey Lake Valley Groundwater Management District.*

12 *(d) Long Valley Groundwater Management District.*

13 *(e) Mendocino City Community Services District.*

14 *(f) Mono County Tri-Valley Groundwater Management District.*

15 *(g) Monterey Peninsula Water Management District.*

16 *(h) Ojai Groundwater Management Agency.*

17 *(i) Orange County Water District.*

18 *(j) Pajaro Valley Water Management Agency.*

19 *(k) Santa Clara Valley Water District.*

20 *(l) Sierra Valley Water District.*

21 *(m) Willow Creek Groundwater Management Agency.*

22
23 *CHAPTER 4. BASIN BOUNDARIES*
24

25 *10723. Unless other basin boundaries are established pursuant*
26 *to this chapter, a basin's boundaries shall be as identified in*
27 *Bulletin 118.*

28 *10723.5. (a) The department shall consider proposals to adjust*
29 *the boundaries of a basin in accordance with the following:*

30 *(1) A proposal shall be supported by the following information:*

31 *(A) Information to demonstrate that the proposed adjusted basin*
32 *can be the subject of sustainable groundwater management. It*
33 *shall not be necessary that the information show that a proposed*
34 *adjusted basin currently is subject to sustainable groundwater*
35 *management.*

36 *(B) A technical report concerning the boundaries of, and*
37 *conditions in, the proposed adjusted basin that is stamped by a*
38 *registered civil engineer or certified hydrologist.*

39 *(C) Information demonstrating that the entity proposing the*
40 *basin boundary adjustment consulted with interested local agencies*

1 *and public water systems in the basin before filing the proposal*
2 *with the department.*

3 *(2) A proposal may be supported by information concerning*
4 *historic management of the proposed adjusted basin.*

5 *(3) The department shall circulate a draft decision by the*
6 *department no fewer than 60 days before the department adopts*
7 *that decision.*

8 *(b) The department shall require anyone who proposes a basin*
9 *boundary adjustment to serve the basin boundary adjustment*
10 *proposal on other interested parties and to submit responses to*
11 *proposals for basin boundary adjustments to the department.*

12 *(c) (1) All proposals to adjust basin boundaries pursuant to*
13 *this section shall be filed with the department by July 1, 2016.*

14 *(2) The department shall issue all decisions concerning*
15 *adjustments to basin boundaries pursuant to this section by*
16 *January 1, 2018.*

17 *(3) The department may provide for expedited processing to*
18 *consider proposals to adjust basin boundaries if necessary to*
19 *expedite consideration of the boundaries of a basin that is subject*
20 *to an adjudication action.*

21 *(d) The adjustment of boundaries pursuant to this section*
22 *includes the subdivision of a basin.*

23 *(e) (1) By January 1, 2016, the department shall adopt*
24 *emergency regulations to implement this section in an open and*
25 *public process that includes the following:*

26 *(A) An opportunity for the public to submit proposals for the*
27 *regulations to the department by April 1, 2015.*

28 *(B) Circulation of draft regulations by the department by August*
29 *1, 2015, for public review and comment.*

30 *(2) The department shall adopt emergency regulations pursuant*
31 *to this section in accordance with Chapter 3.5 (commencing with*
32 *Section 11340) of Part 1 of Division 3 of Title 2 of the Government*
33 *Code. The adoption of these regulations shall be deemed to be an*
34 *emergency and shall be considered by the Office of Administrative*
35 *Law as necessary for the immediate preservation of the public*
36 *peace, health, safety, and general welfare. Notwithstanding*
37 *Chapter 3.5 (commencing with Section 11340) of Part 1 of Division*
38 *3 of Title 2 of the Government Code, any emergency regulation*
39 *adopted by the department pursuant to this section shall remain*
40 *in effect until revised by the department.*

10724. (a) The department shall review all of the basin boundaries identified in Bulletin 118 and publish any necessary revisions to those boundaries by January 1, 2023, in an update of Bulletin 118. As indicated by the best available technical information, including the groundwater sustainability plans that groundwater sustainability agencies submitted to the department in 2020, the department shall adjust the boundaries of basins and define any subdivisions of existing basins as new basins. In adjusting a basin's boundaries and defining any subdivisions of an existing basin as a new basin, the department shall determine whether those adjustments would result in a basin that would support sustainable groundwater management. In revising basin boundaries for an update of Bulletin 118, the department shall favor definitions of basins that enable the most practical and effective groundwater management.

(b) In updating basin boundaries pursuant to this section, the department shall comply with the procedures applicable to a formal rulemaking under the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

CHAPTER 5. IDENTIFICATION OF GROUNDWATER SUSTAINABILITY AGENCIES

10725. To the extent practicable, a groundwater sustainability plan developed in accordance with this part shall be coterminous and augment groundwater management plans developed pursuant to Part 2.75 (commencing with Section 10750).

10725.5. (a) A groundwater management agency that has adopted a groundwater management plan that meets the requirements of Part 2.75 (commencing with Section 10750) prior to January 1, 2014, shall be presumed to be the groundwater sustainability agency to develop a basin sustainability plan in accordance with this part. The groundwater sustainability agency may adopt a resolution of intent to prepare a groundwater sustainability plan in accordance with this part no later than January 1, 2016. The groundwater sustainability agency shall submit an adopted resolution of intent to the department within 30 days of its adoption.

1 ***(b) If a resolution of intent is not adopted and submitted as***
2 ***provided in subdivision (a), the county that the groundwater***
3 ***management plan area is located in may, by January 1, 2017, do***
4 ***either of the following:***

5 ***(1) Adopt and submit to the department a resolution of intent***
6 ***to adopt a groundwater sustainability plan for the area.***

7 ***(2) Request any other local agency or joint powers authority***
8 ***providing water or water management services within the***
9 ***groundwater management plan areas to adopt and submit to the***
10 ***department a resolution of intent to adopt a groundwater***
11 ***management plan for that area.***

12 ***(c) If a resolution of intent is not adopted and submitted as***
13 ***provided in subdivision (a) or (b), any local agency or joint powers***
14 ***authority in the basin may adopt and submit to the department a***
15 ***resolution of intent to adopt a groundwater sustainability plan for***
16 ***the basin.***

17 ***(d) If no resolution of intent is adopted and submitted as***
18 ***provided in subdivision (a), (b), or (c), subdivision (a) of Section***
19 ***10726 shall apply.***

20 ***(e) If a groundwater sustainability agency or other local agency***
21 ***submits prescribed alternative documentation in accordance with***
22 ***Section 10736, the agency also shall adopt a resolution of intent***
23 ***to comply with this part not later than January 1, 2016. The***
24 ***resolution of intent shall be provided to the department within 30***
25 ***days of adoption of the resolution.***

26 ***10726. If any portion of a basin is outside the jurisdictional***
27 ***boundary of any groundwater sustainability plan as adopted or***
28 ***as intended to be prepared according to a resolution of intent***
29 ***pursuant to Section 10725.5, that portion of the basin shall be***
30 ***coordinated with the nearest groundwater sustainability plan in***
31 ***any of the following ways:***

32 ***(a) (1) The landowners and other groundwater users in the***
33 ***unmanaged area may elect to form a new public agency or private***
34 ***corporation for the purpose of cooperating in the groundwater***
35 ***management plan or may petition to be annexed into an existing***
36 ***public agency.***

37 ***(2) If the landowners and other groundwater users choose to***
38 ***form a new public agency or request to be annexed into an existing***
39 ***agency, the local agency formation commission shall complete***
40 ***proceedings on the formation of the agency or the annexation of***

1 *the area and serve as the conducting authority within six months*
2 *from the date the landowners and other groundwater users file a*
3 *formation or annexation application with the commission.*

4 *(b) A groundwater sustainability agency may utilize existing*
5 *authority to annex or otherwise bring any unmanaged land into*
6 *its boundaries for purposes of the agency's plan or to otherwise*
7 *extend the geographic reach of the plan to include unmanaged*
8 *areas of the basin. In the event that a local agency seeks to annex*
9 *lands for the purpose of developing a groundwater sustainability*
10 *plan, the local agency formation commission shall complete*
11 *proceedings in accordance with the schedule set forth in paragraph*
12 *(2) of subdivision (a).*

13 *(c) If a groundwater sustainability agency cannot or elects not*
14 *to annex or otherwise extend boundaries to include the unmanaged*
15 *areas, a county that overlies the basin may utilize existing authority*
16 *to cause the development of a groundwater sustainability plan for*
17 *the unmanaged areas. A county may, by resolution or ordinance,*
18 *delegate this authority to a local agency, in which case the local*
19 *agency formation commission shall take appropriate action to*
20 *ensure that all areas overlying a groundwater basin are within*
21 *the boundaries of one or more of the agencies developing the*
22 *groundwater sustainability plan. The local agency formation*
23 *commission shall complete actions pursuant to this subdivision*
24 *no later than January 1, 2017.*

25 *(d) If by January 1, 2017, an area overlying a basin is not within*
26 *the jurisdiction of a local agency that is participating in the*
27 *development of a groundwater sustainability plan, the board may,*
28 *after notice and a hearing, order one or more local agencies*
29 *developing a groundwater sustainability plan to include the area*
30 *within the plan.*

31 *10726.5. (a) If more than one groundwater sustainability plan*
32 *exists or is developed for a basin, the plans shall be coordinated*
33 *through a joint powers agreement, memorandum of understanding,*
34 *or similar agreement. The agreement or memorandum of*
35 *understanding shall ensure that multiple groundwater sustainability*
36 *plans advance sustainable groundwater management of the basin*
37 *as a whole.*

38 *(b) If by July 1, 2017, the groundwater sustainability agencies*
39 *within a basin cannot come to an agreement to coordinate*
40 *groundwater sustainability plans, a groundwater sustainability*

1 agency may petition the board, no later than June 30, 2017, to do
2 either of the following:

3 (1) Appoint a single groundwater sustainability agency to
4 develop the groundwater sustainability plan for the basin.

5 (2) Impose an alternative governance structure with a governing
6 board that is representative of the local agencies within the basin.

7 (c) If the board appoints a groundwater sustainability agency
8 or imposes a governance structure pursuant to subdivision (b),
9 the board may consider factors that will best foster sustainable
10 groundwater management as a whole, including, but not limited
11 to, the following:

12 (1) The geographic extent and governmental authorities of
13 existing groundwater management agencies, local agencies, and
14 any relevant county.

15 (2) The financial and technical resources available to the
16 relevant public agencies to implement a groundwater sustainability
17 plan.

18 (3) The technical groundwater information and data available
19 to the relevant local agencies.

20 (4) The relevant local agencies' history of groundwater
21 management.

22 (d) The board may utilize available processes and authorities
23 to appoint the groundwater sustainability agency or impose a
24 governance structure pursuant to subdivision (b), and may conduct
25 hearings, workshops, and other information gathering processes
26 to inform its determination.

27 (e) The board shall appoint a groundwater sustainability agency
28 or impose a governance structure pursuant to subdivision (b) no
29 later than June 30, 2018.

30 (f) If multiple groundwater sustainability plans cover different
31 portions of a basin, each plan shall not conflict with or impede
32 sustainable groundwater management relating to any other plan
33 in the basin.

34 10727. A groundwater sustainability plan may include criteria
35 to exempt small domestic pumping of groundwater for use on
36 overlying lands in unmanaged areas of the basin if the groundwater
37 sustainability agency determines that the exclusion of the pumping
38 will not otherwise affect sustainable management of the basin
39 pursuant to this part.

CHAPTER 6. MANAGEMENT TOOLS

10728. (a) A groundwater sustainability agency may exercise any of the powers described in this chapter in implementing this part, in addition to, and not as a limitation on, any existing authority, if the groundwater sustainability agency adopts and submits to the department a groundwater sustainability plan or prescribed alternative documentation in accordance with Section 10736.

(b) A groundwater sustainability agency has and may use the powers in this chapter to provide the maximum degree of local control and flexibility consistent with the sustainability goals of this part.

10728.5. (a) A groundwater sustainability agency may perform any act necessary or proper to carry out the purposes of this part, including, but not limited to, the performance of an agreement, acting jointly or in cooperation with the United States, any state, county, city, district of any kind, public or private corporation, association, firm, or individual, or any combination of them.

(b) A groundwater sustainability agency may perform any acts necessary or proper for the performance of an agreement with the United States, any state, county, city, district of any kind, public or private corporation, association, firm, or individual, or any combination of them, for the joint acquisition, construction, leasing, ownership, disposition, use, management, maintenance, repair, or operation of any rights, works, or other property of a kind that may be useful in implementing the purposes of this part.

(c) A groundwater sustainability agency may adopt rules and regulations for the purpose of this part, in compliance with any procedural requirements applicable to the adoption of rules and regulations by the groundwater sustainability agency. In addition to any other applicable procedural requirements, the groundwater sustainability agency shall provide notice of the proposed adoption of the groundwater sustainability agency on its Internet Web site and provide for electronic notice to any person who requests electronic notification.

(d) This part shall apply to the United States and an Indian tribe to the extent authorized under federal or tribal law.

(e) This part shall apply to the state and its agencies and departments and to local agencies to the same extent as a person

1 regulated by a groundwater sustainability plan. A groundwater
2 sustainability agency shall not impose a penalty pursuant to this
3 part on the state or its agencies, departments, or officers.

4 (f) Notwithstanding any other law, in any judicial action
5 authorized by this part, the court shall direct that a prevailing
6 party that is a groundwater sustainability agency, or owner or
7 operator of a groundwater extraction facility, shall be awarded
8 the reasonable attorney's fees and costs relating to an action
9 authorized pursuant to this part.

10 10729. (a) A groundwater sustainability agency may conduct
11 an investigation for the purposes of this part, including, but not
12 limited to, investigations for the following:

13 (1) To determine the need for groundwater management.

14 (2) To prepare and adopt a groundwater sustainability plan
15 and implementing rules and regulations.

16 (3) To propose and update fees.

17 (4) To monitor compliance and enforcement.

18 (b) An investigation may include surface waters and surface
19 water rights as well as groundwater and groundwater rights.

20 (c) In connection with an investigation, a groundwater
21 sustainability agency may inspect the property or facilities of a
22 person or entity to ascertain whether the purposes of this part are
23 being met and compliance with this part. The local agency may
24 conduct an inspection pursuant to this section upon obtaining any
25 necessary consent or obtaining an inspection warrant pursuant
26 to the procedure set forth in Title 13 (commencing with Section
27 1822.50) of Part 3 of the Code of Civil Procedure.

28 10729.5. (a) Each groundwater extraction facility within a
29 groundwater sustainability agency shall be registered with the
30 groundwater sustainability agency if the groundwater sustainability
31 plan provides for establishing a groundwater charge pursuant to
32 this part or for otherwise regulating groundwater extractions. The
33 groundwater sustainability agency may, by resolution or ordinance,
34 establish reasonable requirements for the registration of a
35 groundwater extraction facility.

36 (b) Any form used to register a groundwater extraction facility
37 pursuant to this section shall not be made available for inspection
38 by the public. The groundwater sustainability agency may use
39 information from the form to develop or implement a groundwater
40 sustainability program or plan pursuant to this part.

1 (c) An owner or operator of a groundwater extraction facility
2 that fails to register the facility within a time period provided for
3 in a groundwater sustainability plan shall become jointly and
4 severally liable to the groundwater sustainability agency for a
5 penalty of one thousand dollars (\$1,000) per unregistered
6 groundwater extraction facility.

7 10730. (a) A groundwater sustainability agency may require
8 through its groundwater sustainability plan that the use of every
9 groundwater extraction facility within the groundwater
10 sustainability agency be measured no less than 60 days after
11 registration by a water-measuring device satisfactory to the
12 groundwater sustainability agency. If water-measuring devices
13 are required by the groundwater sustainability plan, an owner or
14 operator of a groundwater extraction facility that fails to install
15 a satisfactory water-measuring device within the 60-day time
16 period shall be jointly and severally liable to the groundwater
17 sustainability agency for a penalty of one thousand dollars (\$1,000)
18 per groundwater extraction facility lacking a water-measuring
19 device.

20 (b) All costs associated with the purchase and installation of
21 the water-measuring device shall be borne by the owner or
22 operator of each groundwater extraction facility. The water
23 measuring devices shall be installed by the groundwater
24 sustainability agency or, at the groundwater sustainability agency's
25 option, by the owner or operator of the groundwater extraction
26 facility. Water-measuring devices shall be calibrated on a
27 reasonable schedule as may be determined by the groundwater
28 sustainability agency.

29 (c) A groundwater sustainability agency may require, through
30 its groundwater sustainability plan, that the owner or operator of
31 a groundwater extraction facility within the groundwater
32 sustainability agency file an annual statement with the groundwater
33 sustainability agency setting forth the total extraction in acre-feet
34 of groundwater from the facility during the previous year. If filing
35 of groundwater extraction statements is required by the
36 groundwater sustainability plan, an owner or operator of a
37 groundwater extraction facility that fails to file a timely
38 groundwater extraction statement shall be jointly and severally
39 liable to the groundwater sustainability agency for a penalty of
40 one thousand dollars (\$1,000) per groundwater extraction facility

1 *without a filed groundwater extraction statement per each month*
2 *since the date the first penalty could have been imposed by the*
3 *groundwater sustainability agency.*

4 *(d) In addition to the measurement of groundwater extractions*
5 *pursuant to subdivision (a), a groundwater sustainability agency*
6 *may use any other reasonable method to determine groundwater*
7 *extraction.*

8 *(e) This section does not apply to de minimus extractors.*

9 *10730.5. An entity within the area of a groundwater*
10 *sustainability plan shall only divert surface water to underground*
11 *storage consistent with the plan and shall report the diversion to*
12 *underground storage to the groundwater sustainability agency for*
13 *the relevant portion of the basin.*

14 *10731. A groundwater sustainability agency may do the*
15 *following:*

16 *(a) Acquire by grant, purchase, lease, gift, devise, contract,*
17 *construction, or otherwise, and hold, use, enjoy, sell, let, and*
18 *dispose, of real and personal property of every kind, including*
19 *lands, water rights, structures, buildings, rights-of-way, easements,*
20 *and privileges, and construct, maintain, alter, and operate any*
21 *and all works or improvements, within or outside the agency,*
22 *necessary or proper to carry out any of the purposes of this part.*

23 *(b) Appropriate and acquire surface water or groundwater and*
24 *surface water or groundwater rights, import surface water or*
25 *groundwater into the agency, and conserve and store within or*
26 *outside the agency that water for any purpose necessary or proper*
27 *to carry out the provisions of this part, including, but not limited*
28 *to, the spreading, storing, retaining, or percolating into the soil*
29 *of the waters for subsequent use or in a manner consistent with*
30 *the provisions of Section 10735. As part of this authority, the*
31 *agency may validate an existing groundwater conjunctive use or*
32 *storage program upon a finding that the program would aid or*
33 *assist the agency in developing or implementing a groundwater*
34 *sustainability plan.*

35 *(c) Provide for a program of voluntary fallowing of agricultural*
36 *lands or validate an existing program.*

37 *(d) Perform any acts necessary or proper to enable the agency*
38 *to purchase, transfer, deliver, or exchange water or water rights*
39 *of any type with any person that may be necessary or proper to*
40 *carry out any of the purposes of this part, including, but not limited*

1 *to, providing surface water in exchange for a groundwater*
2 *extractor's agreement to reduce or cease groundwater extractions.*
3 *The agency shall not deliver retail water supplies within the service*
4 *area of a public water system without either the consent of that*
5 *system or authority under the agency's existing authorities.*

6 *(e) Transport, reclaim, purify, desalinate, treat, or otherwise*
7 *manage and control polluted water, wastewater, or other waters*
8 *for subsequent use in a manner that is necessary or proper to carry*
9 *out the purposes of this part.*

10 *(f) Whenever, in the opinion of the agency's governing board,*
11 *the public interest or convenience may require, it may order any*
12 *work or improvement that it is authorized to undertake to be done*
13 *in accordance with the procedures and pursuant to the provisions*
14 *of the Improvement Act of 1911 (Division 7 (commencing with*
15 *Section 5000) of the Streets and Highways Code), the Improvement*
16 *Bond Act of 1915 (Division 10 (commencing with Section 8500)*
17 *of the Streets and Highways Code), or the Municipal Improvement*
18 *Act of 1913 (Division 12 (commencing with Section 10000) of the*
19 *Streets and Highways Code).*

20 *(g) Commence, maintain, intervene in, defend, compromise,*
21 *and assume the cost and expenses of any and all actions and*
22 *proceedings.*

23 *10731.5. A groundwater sustainability agency shall have the*
24 *following additional authority and may regulate groundwater*
25 *pumping using that authority by means of ordinance or resolution:*

26 *(a) To impose spacing requirements on new groundwater well*
27 *construction to minimize well interference and impose reasonable*
28 *operating regulations on existing groundwater wells to minimize*
29 *well interference, including requiring pumpers to operate on a*
30 *rotation basis.*

31 *(b) To control groundwater extractions by regulating, limiting,*
32 *or suspending extractions from individual groundwater wells or*
33 *extractions from groundwater wells in the aggregate, the*
34 *construction of new groundwater wells, the enlarging of existing*
35 *groundwater wells, the reactivation of abandoned groundwater*
36 *wells, or otherwise establishing groundwater extraction*
37 *allocations. A limitation on extractions by a groundwater*
38 *sustainability agency shall not be construed to be a final*
39 *determination of rights to extract groundwater from the basin or*
40 *any portion of the basin. A groundwater sustainability agency may*

1 use the expedited adjudication procedures in Chapter 10
2 (commencing with Section 10742) in establishing groundwater
3 extraction allocations.

4 (c) To authorize temporary and permanent transfers of
5 groundwater extraction allocations within the agency's boundaries,
6 if the total quantity of groundwater extracted in any year is
7 consistent with the provisions of the groundwater sustainability
8 plan.

9 (d) To establish accounting rules to allow unused groundwater
10 extraction allocations issued by the agency to be carried over from
11 one year to another and voluntarily transferred, if the total quantity
12 of groundwater extracted in any five-year period is consistent with
13 the provisions of the groundwater sustainability plan.

14
15 *CHAPTER 7. FINANCIAL AUTHORITY*
16

17 10732. (a) A groundwater sustainability agency may impose
18 fees, including, but not limited to, permit fees and fees on
19 groundwater extraction or other regulated activity, to fund the
20 costs of a groundwater sustainability program, including, but not
21 limited to, preparation, adoption, and amendment of a groundwater
22 sustainability plan, and program administration, investigations,
23 inspections, compliance assistance, and enforcement. A
24 groundwater sustainability agency shall not impose a fee pursuant
25 to this subdivision on a de minimus producer unless the agency
26 has regulated the users pursuant to this part.

27 (b) Prior to imposing or increasing a fee, a groundwater
28 sustainability agency shall hold at least one open and public
29 meeting, at which oral or written presentations may be made as
30 part of the meeting.

31 (1) Notice of the time and place of the meeting shall include a
32 general explanation of the matter to be considered and a statement
33 that the data required by this section is available. The notice shall
34 be mailed at least 14 days prior to the meeting to each record
35 owner of property within the basin and to any interested party who
36 files a written request with the agency for mailed notice of the
37 meeting on new or increased fees. A written request for mailed
38 notices shall be valid for one year from the date that the request
39 is made and may be renewed by making a written request on or
40 before April 1 of each year.

1 (2) At least 10 days prior to the meeting, the groundwater
2 sustainability agency shall make available to the public data upon
3 which the proposed fee is based.

4 (c) Any action by a groundwater sustainability agency to impose
5 or increase a fee shall be taken only by ordinance or resolution.

6 (d) (1) As an alternative method for the collection of fees
7 imposed pursuant to this section, a groundwater management
8 agency may adopt a resolution requesting collection of the fees in
9 the same manner as ordinary municipal ad valorem taxes.

10 (2) A resolution described in paragraph (1) shall be adopted
11 and furnished to the county auditor and board of supervisors on
12 or before August 1 of each year that the alternative collection of
13 the fees is being requested. The resolution shall include a list of
14 parcels and the amount to be collect for each parcel.

15 (e) The power granted by this section is in addition to any
16 powers a groundwater sustainability agency has under any other
17 law.

18 10732.5. (a) A groundwater sustainability agency that adopts
19 a groundwater sustainability plan pursuant to this part may impose
20 fees on the extraction of groundwater from the basin to fund costs
21 of groundwater management, including, but not limited to, the
22 costs of the following:

23 (1) Administration, operation, maintenance, and acquisition of
24 lands or other property, facilities, and services.

25 (2) Supply, production, treatment, or distribution of water.

26 (3) Other activities necessary or convenient to implement the
27 plan.

28 (b) Fees may be implemented pursuant to Part 2.75
29 (commencing with Section 10750) in accordance with the
30 procedures provided in this section.

31 (c) Fees imposed pursuant to this section shall be adopted in
32 accordance with subdivisions (a) and (b) of Section 6 of Article
33 XIII D of the California Constitution.

34 (d) Fees imposed pursuant to this section may include fixed fees
35 and fees charged on a volumetric basis, including, but not limited
36 to, fees that increase based on the quantity of groundwater
37 produced annually, the year in which the production of
38 groundwater commenced from a groundwater extraction facility,
39 and impacts to the basin.

1 (e) *The power granted by this section is in addition to any*
2 *powers a groundwater sustainability agency has under any other*
3 *law.*

4 10733. A groundwater sustainability agency may fund activities
5 pursuant to Part 2.75 (commencing with Section 10750) and may
6 impose fees pursuant to Section 10732.5 to fund activities
7 undertaken by the agency pursuant to Part 2.75 (commencing with
8 Section 10750).

9 10733.5. (a) A groundwater fee levied pursuant to this chapter
10 shall be due and payable to the groundwater sustainability agency
11 by each owner or operator on a day established by the groundwater
12 sustainability agency.

13 (b) *If an owner or operator knowingly fails to pay a groundwater*
14 *charge within 30 days of it becoming due, the owner or operator*
15 *shall be liable to the groundwater sustainability agency for interest*
16 *at the rate of 1 percent per month on the delinquent amount of the*
17 *groundwater charge and a 10 percent penalty.*

18 (c) *The groundwater sustainability agency may bring a suit in*
19 *the court having jurisdiction against any owner or operator of a*
20 *groundwater extraction facility within the area covered by the*
21 *plan for the collection of any delinquent groundwater charges,*
22 *interest, or penalties imposed under this chapter. If the*
23 *groundwater sustainability agency seeks an attachment against*
24 *the property of any named defendant in the suit, the groundwater*
25 *sustainability agency shall not be required to furnish bond or other*
26 *undertaking as provided in Title 6.5 (commencing with Section*
27 *481.010) of Part 2 of the Code of Civil Procedure.*

28 (d) *In the alternative to bringing a suit pursuant to subdivision*
29 *(c), a groundwater sustainability agency may collect any delinquent*
30 *groundwater charge and any civil penalties and interest on the*
31 *delinquent groundwater charge pursuant to the laws applicable*
32 *to the local agency or, if a joint powers authority, to the entity*
33 *designated pursuant to Section 6509 of the Government Code. The*
34 *collection shall be in the same manner as it would be applicable*
35 *to the collection of delinquent assessments, water charges, or tolls.*

36 (e) *As an additional remedy, a groundwater sustainability*
37 *agency, after a public hearing, may order an owner or operator*
38 *to cease extraction of groundwater until all delinquent fees are*
39 *paid. The groundwater sustainability agency shall give notice to*

1 the owner or operator by certified mail not less than 15 days in
2 advance of the public hearing.

3 (f) The remedies specified in this section for collecting and
4 enforcing fees are cumulative and may be pursued alternatively
5 or may be used consecutively as determined by the governing body.

6 10734. (a) Nothing in this chapter shall affect or interfere with
7 the authority of a groundwater sustainability agency to levy and
8 collect taxes, assessments, charges, and tolls as otherwise provided
9 by law.

10 (b) For the purposes of Section 6254.16 of the Government
11 Code, persons subject to payment of fees pursuant to this chapter
12 are utility customers of a groundwater sustainability agency.

13 10734.5. (a) If there is reasonable cause to believe that the
14 production of groundwater from any groundwater extraction
15 facility is in excess of that disclosed by the statements covering
16 the facility or if no statement is filed covering the facility, then the
17 governing body may cause an investigation and report to be made
18 concerning the production of groundwater from that groundwater
19 extraction facility that includes, but is not limited to, the accuracy
20 of the water-measuring device. The governing body may make a
21 determination fixing the amount of groundwater production from
22 the groundwater extraction facility at an amount not to exceed the
23 maximum production capacity of the facility for purposes of levying
24 a groundwater charge. If a water-measuring device is permanently
25 attached to the groundwater extraction facility, the record of
26 production as disclosed by the water-measuring device shall be
27 presumed to be accurate unless the contrary is established by the
28 groundwater management agency after investigation.

29 (b) After the governing body makes a determination fixing the
30 amount of groundwater production pursuant to subdivision (a), a
31 written notice of the determination shall be mailed to the owner
32 or operator of the groundwater extraction facility at the address
33 as shown by the groundwater management agency's records. A
34 determination made by the governing body shall be conclusive on
35 the owner or operator and the groundwater charges, based on the
36 determination together with any interest and penalties, shall be
37 payable immediately unless within 10 days after the mailing of the
38 notice the owner or operator files with the governing body a written
39 protest setting forth the ground for protesting the amount of
40 production or the groundwater charges, interest, and penalties. If

1 a protest is filed pursuant to this subdivision, the governing body
2 shall hold a hearing to determine the total amount of the
3 groundwater production and the groundwater charges, interest,
4 and penalties. The determination by the governing body at the
5 hearing shall be conclusive if based upon substantial evidence.
6 Notice of the hearing shall be mailed to each protestant at least
7 10 days before the date fixed for the hearing. Notice of the
8 determination of the governing body hearing shall be mailed to
9 each protestant. The owner or operator shall have 20 days from
10 the date of mailing of the determination to pay the groundwater
11 charges, interest, and penalties determined by the governing body.
12

13 *CHAPTER 8. GROUNDWATER SUSTAINABILITY PLANS*
14

15 10735. (a) A groundwater sustainability plan shall be adopted
16 for each medium or high priority basin by an overlying
17 groundwater sustainability agency. The plan may incorporate,
18 extend, or be based on a plan adopted pursuant to Part 2.75
19 (commencing with Section 10750) and shall include all of the
20 following:

21 (1) A description of the physical setting and characteristics of
22 the aquifer system underlying the basin that includes the following:

23 (A) Historical data, to the extent available.

24 (B) Groundwater levels, groundwater quality, subsidence, and
25 groundwater-surface water interaction.

26 (C) Known issues of concern with respect to the data described
27 in this paragraph.

28 (D) A general discussion of historical and projected water
29 demands and supplies.

30 (E) A map that details the area of the basin and the boundaries
31 of the groundwater sustainability agencies that overlie the basin
32 that have or are developing groundwater sustainability plans.

33 (F) A map identifying existing and potential recharge areas for
34 the basin. The map or maps shall identify the existing recharge
35 areas that substantially contribute to the replenishment of the
36 groundwater basin. The map or maps shall be provided to the
37 appropriate local planning agencies after adoption of the
38 groundwater sustainability plan.

39 (2) Groundwater management objectives to achieve the
40 sustainability goal in the basin within 20 years of the

1 *implementation of the plan. The plan shall include a description*
2 *of how the plan helps meet each objective and how each objective*
3 *is intended to achieve the sustainability goal for the basin for*
4 *long-term beneficial uses of groundwater. The department, at the*
5 *request of the groundwater management agency, may grant an*
6 *extension of up to 10 years beyond the 20 year sustainability time*
7 *frame if necessary based on groundwater basin circumstances.*

8 *(3) A planning and implementation horizon of at least 50 years.*

9 *(4) As applicable to the basin, components relating to the*
10 *following:*

11 *(A) The monitoring and management of groundwater levels*
12 *within the basin.*

13 *(B) The monitoring and management of groundwater quality,*
14 *groundwater quality degradation, inelastic land surface*
15 *subsidence, and changes in surface flow and surface water quality*
16 *that directly affect groundwater levels or quality or are caused by*
17 *groundwater pumping in the basin.*

18 *(C) Mitigation of overdraft.*

19 *(D) How recharge areas identified in the plan substantially*
20 *contribute to the replenishment of the basin.*

21 *(5) A summary of the type of monitoring sites, type of*
22 *measurements, and the frequency of monitoring for each location*
23 *monitoring groundwater levels, groundwater quality, subsidence,*
24 *streamflow, precipitation, evaporation, and tidal influence. The*
25 *plan shall include a summary of monitoring information such as*
26 *well depth, screened intervals, and aquifer zones monitored, and*
27 *a summary of the type of well relied on for the information,*
28 *including public, irrigation, domestic, industrial, and monitoring*
29 *wells.*

30 *(6) Monitoring protocols that are designed to detect changes*
31 *in groundwater levels, groundwater quality, inelastic surface*
32 *subsidence for basins for which subsidence has been identified as*
33 *a potential problem, and flow and quality of surface water that*
34 *directly affect groundwater levels or quality or are caused by*
35 *groundwater pumping in the basin. The monitoring protocols shall*
36 *be designed to generate information that promotes efficient and*
37 *effective groundwater management.*

38 *(b) A groundwater sustainability plan may include all of the*
39 *following, where appropriate:*

40 *(1) Control of saline water intrusion.*

1 (2) *Wellhead protection areas and recharge areas.*

2 (3) *Migration of contaminated groundwater.*

3 (4) *A well abandonment and well destruction program.*

4 (5) *Replenishment of groundwater extractions.*

5 (6) *Activities implementing, opportunities for, and impediments*
6 *to, conjunctive use.*

7 (7) *Well construction policies.*

8 (8) *Measures addressing groundwater contamination cleanup,*
9 *recharge, diversions to storage, conservation, water recycling,*
10 *conveyance, and extraction projects.*

11 (9) *Efficient water management practices, as defined in Section*
12 *10902, for the delivery of water and water conservation methods*
13 *to improve the efficiency of water use.*

14 (10) *Efforts to develop relationships with state and federal*
15 *regulatory agencies.*

16 (11) *Processes to review land use plans and efforts to coordinate*
17 *with land use planning agencies to assess activities that potentially*
18 *create risks to groundwater quality or quantity.*

19 10735.5. (a) *Prior to initiating the development of a*
20 *groundwater sustainability plan, the groundwater sustainability*
21 *agency shall make available to the public and the department a*
22 *written statement describing the manner in which interested parties*
23 *may participate in the development and implementation of the*
24 *groundwater sustainability plan. The groundwater sustainability*
25 *agency may appoint and consult with an advisory committee*
26 *consisting of interested parties for the purposes of developing and*
27 *implementing a sustainable groundwater management plan. The*
28 *groundwater management agency shall encourage the active*
29 *involvement of diverse social, cultural, and economic elements of*
30 *the population within the groundwater basin prior to and during*
31 *the development and implementation of the groundwater*
32 *management plan. The groundwater sustainability agency shall*
33 *encourage the active involvement of diverse social, cultural, and*
34 *economic elements of the population within the basin prior to and*
35 *during the development and implementation of the groundwater*
36 *sustainability plan.*

37 (b) *The groundwater sustainability agency shall establish and*
38 *maintain a list of persons interested in receiving notices regarding*
39 *plan preparation, meeting announcements, and availability of draft*

1 *plans, maps, and other relevant documents. A person may request,*
2 *in writing, to be placed on the list of interested persons.*

3 *10736. (a) Except as provided in subdivision (b), a*
4 *groundwater sustainability agency shall certify that its plan*
5 *complies with this part no later than January 31, 2020, and every*
6 *five years thereafter. A groundwater sustainability agency shall*
7 *submit this certification to the department within 30 days of the*
8 *certification.*

9 *(b) A basin shall be in compliance with this part if a*
10 *groundwater sustainability agency for a basin or other local*
11 *agency submits to the department no later than January 31, 2020,*
12 *and every five years thereafter, any of the following documents:*

13 *(1) A copy of a governing final judgment or other judicial order*
14 *or decree establishing a groundwater sustainability program for*
15 *the basin.*

16 *(2) A report approved by a groundwater sustainability agency*
17 *that shows that current management or operations activities have*
18 *been consistent with the sustainable yield of the basin over a period*
19 *of at least 10 years. The report shall be prepared by a registered*
20 *professional engineer or geologist who is licensed by the state and*
21 *submitted under that engineer's or geologist's seal. The report*
22 *may demonstrate compliance with the sustainability goal in the*
23 *basin by presenting a balanced water budget for the basin, a*
24 *technical analysis demonstrating stable groundwater levels over*
25 *the relevant period, or other sufficient technical analyses.*

26 *(c) (1) The department may review the submissions made*
27 *pursuant to this section and may request the supporting information*
28 *on which the certification pursuant to subdivision (a) or the other*
29 *documentation pursuant to subdivision (b) relied. The department*
30 *may issue findings concerning the validity of the certification or*
31 *other submission.*

32 *(2) Before issuing findings pursuant to paragraph (1), the*
33 *department shall transmit a draft of its findings to the submitting*
34 *agency and shall consult with that agency. The submitting agency*
35 *may submit a response to the department within 60 days of*
36 *receiving the department's draft findings.*

37 *(3) If the department's findings issued pursuant to paragraph*
38 *(1) concern the compliance of a plan with requirements for*
39 *sustainable groundwater management or the operation of a basin*
40 *consistent with the basin's sustainable yield, the submitting agency,*

1 *within 90 days of receipt, shall consider amendments to its plan*
2 *or technical analysis to address the department's findings.*

3 *(d) The Antelope Valley basin at issue in the Antelope Valley*
4 *Groundwater Cases (Judicial Council Coordination Proceeding*
5 *Number 4408) shall be treated as an adjudicated basin pursuant*
6 *to this section if the superior court's final judgment, order, or*
7 *decree is submitted to the department consistent with this section.*

8 *10736.5. A groundwater management agency shall periodically*
9 *evaluate its groundwater sustainability plan, assess changing*
10 *conditions in the basin that may warrant modification of the plan*
11 *or management objectives, and may adjust components in the plan.*
12 *An evaluation of the plan shall focus on determining whether the*
13 *actions under the plan are meeting the plan's management*
14 *objectives and whether those objectives are meeting the*
15 *sustainability goal in the basin.*

16 *10737. A groundwater sustainability agency preparing a*
17 *groundwater sustainability plan or a plan amendment shall notify*
18 *any city or county within the area of the proposed plan or*
19 *amendment at least 90 days before a public hearing on the plan*
20 *where the agency will be reviewing the plan or amendment and*
21 *considering its adoption or amendment. The groundwater*
22 *sustainability agency shall obtain comments from any city or*
23 *county that receives notice pursuant to this section and shall*
24 *consult with a city or county that requests consultation within 30*
25 *days of receipt of the notice. Nothing in this section is intended to*
26 *preclude an agency and a city or county from otherwise consulting*
27 *or commenting regarding the adoption or amendment of a plan.*

28 *10737.5. (a) The department or a groundwater sustainability*
29 *agency may provide technical assistance to entities that extract*
30 *or use groundwater to promote water conservation and protect*
31 *groundwater resources.*

32 *(b) The department may provide technical assistance to any*
33 *groundwater sustainability agency in response to that agency's*
34 *request for assistance in the development and implementation of*
35 *a groundwater sustainability plan. The department shall use its*
36 *best efforts to provide the requested assistance.*

37 *(c) (1) By January 1, 2017, the department shall submit to the*
38 *Legislature and publish on its Internet Web site best management*
39 *practices for the sustainable management of groundwater.*

1 (2) *Best management practices to be submitted pursuant to*
2 *paragraph (1) shall be submitted in compliance with Section 9795*
3 *of the Government Code.*

4 (3) *The department shall develop the best management practices*
5 *in consultation with a representative task force of interested*
6 *entities. The department shall ensure that the task force's members*
7 *are broadly representative of stakeholders who are interested in*
8 *groundwater. The task force shall have no more than 25*
9 *stakeholder members. The task force also shall include at least*
10 *three licensed engineers who have extensive experience with*
11 *groundwater issues. The department shall convene the task force's*
12 *first meeting by July 1, 2015. All meetings of the task force shall*
13 *be open to the public.*

14 (4) *A groundwater sustainability agency may consider the best*
15 *management practices developed by the department in preparing*
16 *a groundwater sustainability plan consistent with the requirements*
17 *of this chapter.*

18
19 *CHAPTER 9. STATE INTERVENTION*
20

21 *10738. It is the intent of the Legislature to amend this measure*
22 *to provide that one or more state agencies act to ensure that all*
23 *basins in California are on track to achieve the sustainability goal*
24 *if local agencies are unable to adopt or implement groundwater*
25 *sustainability plans that achieve that goal.*

26
27 *CHAPTER 10. EXPEDITED ADJUDICATION*
28

29 *10742. It is the intent of the Legislature to amend this measure*
30 *to provide for expedited adjudications of rights to extract and store*
31 *water from and in basins by enacting, and directing the Judicial*
32 *Council to develop, innovative judicial procedures to manage*
33 *those adjudications as quickly as reasonably feasible so as to*
34 *enable the sustainable management of groundwater in the state.*

35
36 *CHAPTER 11. LAND USE*
37

38 *10745. (a) After January 31, 2020, until a groundwater*
39 *sustainability agency or the board complies with this part for a*
40 *basin, a person shall not increase groundwater extractions on a*

1 *property within the basin from the average of the extractions on*
2 *that property during the period of January 1, 2010, to December*
3 *31, 2014, inclusive, unless the person submits to the county a report*
4 *that meets all of the following requirements:*

5 *(1) A registered professional engineer or geologist licensed by*
6 *the state prepared the report and submitted it under the engineer's*
7 *or geologist's seal.*

8 *(2) It includes a technical analysis demonstrating stable*
9 *groundwater levels over the relevant period in the area where the*
10 *increased extraction would occur.*

11 *(3) It demonstrates that the increased extractions would not*
12 *cause undesirable results in the basin.*

13 *(b) A land use agency shall issue a well-drilling permit only if*
14 *the extractions from the new or refurbished well satisfy the limit*
15 *established pursuant to subdivision (a).*

16 *(c) This section does not apply to the following:*

17 *(1) Monitoring wells.*

18 *(2) Wells used for groundwater remediation under a cleanup*
19 *or remedial action plan approved by a public agency with authority*
20 *to oversee groundwater remediation or by a court of competent*
21 *jurisdiction.*

22 *(3) A well that is subject to judicial oversight and control*
23 *pursuant to a final judgment governing extractions from the*
24 *groundwater basin.*

25 *(d) This section shall not be construed as an exemption from*
26 *any adjudication of rights to use groundwater whether that*
27 *adjudication occurs in a court of California, the United States, or*
28 *under procedures provided in Chapter 10 (commencing with*
29 *Section 10742).*

30
31 *CHAPTER 12. WATER SUPPLY RELIABILITY*
32

33 *10748. Sustainable groundwater management in California*
34 *depends upon creating more opportunities for robust conjunctive*
35 *management of surface water resources. Climate change will*
36 *intensify the need to recalibrate and reconcile surface and*
37 *groundwater management strategies. It is the intent of the*
38 *Legislature to amend this measure to provide that the State Water*
39 *Resources Control Board and the regional water quality control*
40 *boards weigh the value of surface water for groundwater*

1 *replenishment and recharge to promote the state's interest in*
2 *groundwater sustainability.*

3 *SEC. 6. The provisions of this act are severable. If any*
4 *provision of this act or its application is held invalid, that invalidity*
5 *shall not affect other provisions or applications that can be given*
6 *effect without the invalid provision or application.*

7 *SEC. 7. No reimbursement is required by this act pursuant to*
8 *Section 6 of Article XIII B of the California Constitution for certain*
9 *costs that may be incurred by a local agency or school district*
10 *because, in that regard, this act creates a new crime or infraction,*
11 *eliminates a crime or infraction, or changes the penalty for a crime*
12 *or infraction, within the meaning of Section 17556 of the*
13 *Government Code, or changes the definition of a crime within the*
14 *meaning of Section 6 of Article XIII B of the California*
15 *Constitution.*

16 *However, if the Commission on State Mandates determines that*
17 *this act contains other costs mandated by the state, reimbursement*
18 *to local agencies and school districts for those costs shall be made*
19 *pursuant to Part 7 (commencing with Section 17500) of Division*
20 *4 of Title 2 of the Government Code.*

21 *SEC. 8. The Legislature finds and declares that Section 5 of*
22 *this act, which adds Sections 10729.5 and 10734 to the Water*
23 *Code, imposes a limitation on the public's right of access to the*
24 *meetings of public bodies or the writings of public officials and*
25 *agencies within the meaning of Section 3 of Article I of the*
26 *California Constitution. Pursuant to that constitutional provision,*
27 *the Legislature makes the following findings to demonstrate the*
28 *interest protected by this limitation and the need for protecting*
29 *that interest:*

30 *In order to allow this act to fully accomplish its goals, it is*
31 *necessary to protect proprietary information submitted pursuant*
32 *to this act as confidential. Therefore, it is in the state's interest to*
33 *limit public access to this information.*

34 ~~SECTION 1. Section 56878 is added to the Government Code,~~
35 ~~to read:~~

36 ~~56878. If there is no local and regional groundwater~~
37 ~~management agency existing in a groundwater basin, as defined~~
38 ~~in subdivision (b) of Section 10720 of the Water Code, the~~
39 ~~commission may provide special technical assistance and an~~

1 expedited timeline to facilitate the formation of a local and regional
2 groundwater management agency.

3 SEC. 2. ~~Section 65302.2 of the Government Code is amended~~
4 ~~to read:~~

5 ~~65302.2. (a) Upon the adoption, or revision, of a city or~~
6 ~~county's general plan, on or after January 1, 1996, the city or~~
7 ~~county shall utilize as a source document any urban water~~
8 ~~management plan submitted to the city or county by a water~~
9 ~~agency.~~

10 ~~(b) Upon the adoption, or revision, of a city or county's general~~
11 ~~plan, the city or county shall utilize as a source document the~~
12 ~~following plans for a groundwater basin or subbasin within the~~
13 ~~jurisdiction of the city or county:~~

14 ~~(1) A sustainable groundwater management plan adopted~~
15 ~~pursuant to Part 2.74 (commencing with Section 10720) of Division~~
16 ~~6 of the Water Code.~~

17 ~~(2) A groundwater management plan adopted pursuant to Part~~
18 ~~2.75 (commencing with Section 10750) of Division 6 of the Water~~
19 ~~Code.~~

20 SEC. 3. ~~Part 2.74 (commencing with Section 10720) is added~~
21 ~~to Division 6 of the Water Code, to read:~~

22
23 ~~PART 2.74. GROUNDWATER SUSTAINABILITY~~
24

25 ~~10720. Unless the context otherwise requires, the following~~
26 ~~definitions govern the construction of this part:~~

27 ~~(a) "Bulletin No. 118" means the department's bulletin entitled~~
28 ~~"California's Ground Water," dated September 1975, and any~~
29 ~~amendments to that bulletin.~~

30 ~~(b) "Groundwater" means all water beneath the surface of the~~
31 ~~earth within the zone below the water table in which the soil is~~
32 ~~completely saturated with water, but does not include water that~~
33 ~~flows in known and definite channels.~~

34 ~~(c) "Groundwater basin" means any groundwater basin or~~
35 ~~subbasin identified in Bulletin No. 118 that the department~~
36 ~~identifies as a high or medium priority groundwater basin as part~~
37 ~~of the California Statewide Groundwater Elevation Monitoring~~
38 ~~Program in accordance with Sections 10933 and 12924.~~

39 ~~(d) "Groundwater management agency" means a special district~~
40 ~~authorized to provide water for beneficial uses or with specific~~

1 authority to conduct groundwater management, a city, a county,
2 a city and county, or a joint powers authority comprised of any or
3 all of the these.

4 (e) “Groundwater management program” means a coordinated
5 and ongoing activity undertaken for the benefit of a groundwater
6 basin, or a portion of a groundwater basin, based on the best
7 available science, monitoring, forecasting, and use of technological
8 resources, pursuant to a sustainable groundwater management
9 plan.

10 (f) “Recharge” means the augmentation of groundwater, by
11 natural or artificial means, with surface water or recycled water.

12 (g) “Sustainable groundwater management” means the
13 management and use of groundwater in a manner that can be
14 maintained during the planning and implementation horizon
15 without resulting in a significant adverse overdraft-related
16 environmental, social, or economic effect, as determined by the
17 groundwater management agency.

18 10725. (a) A sustainable groundwater management plan shall
19 be adopted for each groundwater basin by any overlying
20 groundwater management agency. A sustainable groundwater
21 management plan shall meet the following requirements:

22 (1) Include the components set forth in Section 10753.7.

23 (2) Be adopted on or before January 1, 2020, and updated every
24 five years thereafter.

25 (3) Contain sustainable groundwater management objectives to
26 achieve sustainable groundwater management in the groundwater
27 basin within 20 years of the implementation of the plan, include
28 an analysis demonstrating how the objectives will achieve
29 sustainable groundwater management, and identify the parties
30 responsible for achieving the objectives. The department may grant
31 an extension beyond the 20-year sustainability timeframe if
32 necessary based on groundwater basin circumstances, but in no
33 case may a sustainable management plan contemplate that more
34 than 30 years are required to achieve sustainable groundwater
35 management.

36 (4) Provide a planning and implementation horizon of at least
37 50 years.

38 (5) Annually submit a performance report comparing the status
39 of the groundwater basin to the sustainable groundwater
40 management objectives.

1 ~~(6) Provide summaries of monitoring data regularly to the~~
2 ~~department for the California Statewide Groundwater Elevation~~
3 ~~Monitoring Program and locally to the groundwater basin~~
4 ~~stakeholders through an Internet Web site or similar method.~~

5 ~~(b) A sustainable groundwater management plan shall not be~~
6 ~~required for a groundwater basin, or a portion of a groundwater~~
7 ~~basin, that is subject to groundwater management pursuant to other~~
8 ~~provisions of law or a court order, judgment, or decree.~~

9 ~~(c) If multiple sustainable groundwater management plans cover~~
10 ~~different portions of a groundwater basin, each sustainable~~
11 ~~groundwater management plan shall not conflict with or impede~~
12 ~~sustainable groundwater management relating to the other~~
13 ~~sustainable groundwater management plans in the groundwater~~
14 ~~basin.~~

15 ~~(d) (1) A groundwater management agency may incorporate~~
16 ~~into a sustainable groundwater management plan a neighboring~~
17 ~~area overlying the groundwater basin not already covered by~~
18 ~~another sustainable groundwater management plan.~~

19 ~~(2) A groundwater basin boundary, as defined in Bulletin No.~~
20 ~~118, may be adjusted by a groundwater management agency, in~~
21 ~~consultation with adjacent groundwater basin groundwater~~
22 ~~management agencies and the department, to address hydrologic~~
23 ~~conditions and other features of the subbasin based on a technical~~
24 ~~analysis supporting the boundary adjustment.~~

25 ~~10726. The process for developing or revising a sustainable~~
26 ~~groundwater management plan, or revising a groundwater~~
27 ~~management plan adopted pursuant to Part 2.75 (commencing with~~
28 ~~Section 10750) to meet the requirements of this part, shall meet~~
29 ~~the requirements on a local agency for public notification, hearing,~~
30 ~~and protest set forth in Sections 10753.2 to 10753.6, inclusive.~~

31 ~~10730. (a) A sustainable groundwater management plan shall~~
32 ~~be submitted by the groundwater management agency to the~~
33 ~~department for technical review.~~

34 ~~(b) The department shall subject the sustainable groundwater~~
35 ~~management plan to technical review for adequacy and do one of~~
36 ~~the following:~~

37 ~~(1) Approve the sustainable groundwater management plan.~~

38 ~~(2) Conditionally approve the sustainable groundwater~~
39 ~~management plan.~~

~~(3) Determine the sustainable groundwater management plan to be inadequate and allow six months for resubmission of the sustainable groundwater management plan with revisions.~~

~~10735. A groundwater management agency may do all of the following:~~

~~(a) Enter into a joint powers authority, participate in a memorandum of understanding among existing agencies, participate in an integrated regional water management planning group, any of which may include a locally authorized watermaster, or establish another form of appropriate local or regional sustainable groundwater management entity.~~

~~(b) Raise funds for the purposes of this chapter.~~

~~(c) Regulate the pumping of groundwater.~~

~~(d) Establish, assume, or cooperatively manage well permitting programs to provide essential management information to implement a sustainable groundwater management plan and basin management objectives. The well permitting program may include, but is not limited to, information about the location, depth, water quality, construction, and production of a well and shall ensure that well abandonment standards are enforced.~~

~~(e) Enforce the agency's sustainable groundwater management plan.~~

~~10740. (a) As of ____ date or as of the date adopted by the groundwater management agency, whichever is earlier, a person or entity shall not extract groundwater within a groundwater basin for new commercial, multifamily residential, or industrial development, unless a groundwater basin has a sustainable groundwater management plan.~~

~~(b) This section does not apply to the use of a single-family domestic well.~~

~~SEC. 4. Section 10795.4 of the Water Code is amended to read:~~

~~10795.4. Upon appropriation by the Legislature, the money in the fund may be used by the department to assist local public agencies by awarding grants to those agencies to conduct groundwater studies or to carry out groundwater monitoring and management activities in accordance with Part 2.75 (commencing with Section 10750), Part 2.74 (commencing with Section 10720), or other authority pursuant to which local public agencies manage groundwater resources, or any combination of these including the~~

1 development of groundwater management plans, as provided for
2 in subdivision (a) of Section 10753.7.

3 ~~SEC. 5. If the Commission on State Mandates determines that~~
4 ~~this act contains costs mandated by the state, reimbursement to~~
5 ~~local agencies and school districts for those costs shall be made~~
6 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
7 ~~4 of Title 2 of the Government Code.~~